



THE LAW OFFICES OF EVAN STONE

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FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS

MAR 02 2011

DAVID J. MALAND, CLERK

BY
DEPUTY _____

March 2, 2011

Registered DMCA Agent:

4:11 MC 18
In Re: Qwest Communications

I am serving you with the enclosed DMCA subpoena and a list of alleged infringers, along with a notice of infringement and a declaration of purpose, as prescribed by the Copyright Act at 17 U.S.C. § 512(h). As stated in the Act, you must expeditiously disclose information identifying the alleged infringers in response to this subpoena, whether or not you choose to respond to the accompanying infringement notice.

If you have concerns regarding the applicability of the 2003 *RIAA v. Verizon* decision, please be advised that the courts of the 5th Circuit are not legally bound to follow that decision and have already been candid about their stance on this issue: See *Garrett v. Comcast Communs., Inc.* "Moreover, this Court is not bound to follow the precedent of *RIAA v. Verizon.*", 2004 U.S. Dist. LEXIS 14218 (N.D. Tex. July 23, 2004) Additionally, our evidence in this specific matter indicates that the safe harbor provision of 17 U.S.C. § 512(a) is inapplicable here.

If you are a cable provider and have concerns regarding the Cable Act, please know that § 512(h)(5) states that you are to disclose this information, "...notwithstanding any other provision of law..." This section has likewise been affirmed by the judiciary, expressly as it pertains to the Cable Act. "The 'notwithstanding' provision in § 512(h) indicates that the DMCA subpoena power is intended to 'supersede[] other statutes that might interfere with or hinder the attainment of [its] objective.'" *Recording Indus. Ass'n v. Charter Communs., Inc.* 393 F.3d 771 (8th Cir. Mo. 2005)

You may deliver your response to the Subpoena to the physical address, fax line or e-mail address listed below. Please feel free to contact my office if you have any questions.

Regards,

E. F. Stone

Evan Stone, Esq.
The Law Offices of Evan Stone
624 W. University Dr, #386
Denton, TX 76201
Office: 469-248-5238
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Fax: 310-756-1201

O AO88 (Rev. 1/94) Subpoena in a Civil Case

Issued by the
UNITED STATES DISTRICT COURT
 Eastern DISTRICT OF Texas

In Re Subpoena to Qwest Communications

SUBPOENA IN A CIVIL CASE

V.

Case Number:¹ 4:11/mc/18

TO: Registered DMCA Agent
 Qwest Communications
 1801 California Street
 Denver, CO 80202

- ☐ YOU ARE COMMANDED to appear in the United States District court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

- ☐ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION

DATE AND TIME

- ☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

Information, including name, address, telephone number and e-mail address, sufficient to identify the person or persons to which the included IP addresses were assigned on the given dates and times, also listed.

PLACE

Law Offices of Evan Stone, 624 W. University Dr., #386, Denton, TX 76201

DATE AND TIME

4/17/2011

- ☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

4/17/2011

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

DATE

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

(See Rule 45, Federal Rules of Civil Procedure, Parts C & D on next page)

¹ If action is pending in district other than district of issuance, state district under case number.

Work Name	Infringer	IP	Port	Torrent Name	Infringing Material	Date/Time (GMT)
Young Harlots Foreign Exchange	Jane Doe 498	168.103.62.75	38502	www.sexinsex.net@Young.Harlots .Foreign.Exchange	cd1.avi, cd2.avi	11/8/2010 8:57:02 AM
Young Harlots Foreign Exchange	Jane Doe 540	174.17.189.112	38720	www.sexinsex.net@Young.Harlots .Foreign.Exchange	cd1.avi, cd2.avi	9/11/2010 2:25:25 AM
Young Harlots Foreign Exchange	Jane Doe 539	174.20.239.61	45682	www.sexinsex.net@Young.Harlots .Foreign.Exchange	cd1.avi, cd2.avi	11/11/2010 2:24:21 AM
Young Harlots Foreign Exchange	Jane Doe 538	174.21.32.118	52313	www.sexinsex.net@Young.Harlots .Foreign.Exchange	cd1.avi, cd2.avi	11/2/2010 12:58:12 AM
Young Harlots Foreign Exchange	Jane Doe 537	174.21.36.57	61667	www.sexinsex.net@Young.Harlots .Foreign.Exchange	cd1.avi, cd2.avi	10/28/2010 8:16:01 AM
Young Harlots Foreign Exchange	Jane Doe 536	174.21.45.32	61429	www.sexinsex.net@Young.Harlots .Foreign.Exchange	cd1.avi, cd2.avi	11/2/2010 9:22:23 AM
Young Harlots Foreign Exchange	Jane Doe 535	174.21.46.106	31583	www.sexinsex.net@Young.Harlots .Foreign.Exchange	cd1.avi, cd2.avi	10/28/2010 7:29:04 PM
Young Harlots Foreign Exchange	Jane Doe 534	174.21.50.105	31583	www.sexinsex.net@Young.Harlots .Foreign.Exchange	cd1.avi, cd2.avi	10/28/2010 1:21:05 AM
Young Harlots Foreign Exchange	Jane Doe 533	174.21.53.73	31583	www.sexinsex.net@Young.Harlots .Foreign.Exchange	cd1.avi, cd2.avi	10/27/2010 5:41:56 AM
Young Harlots Foreign Exchange	Jane Doe 542	174.21.55.85	52092	www.sexinsex.net@Young.Harlots .Foreign.Exchange	cd1.avi, cd2.avi	10/28/2010 3:35:45 AM
Young Harlots Foreign Exchange	Jane Doe 543	174.22.57.59	54866	www.sexinsex.net@Young.Harlots .Foreign.Exchange	cd1.avi, cd2.avi	10/20/2010 6:37:09 PM
Young Harlots Foreign Exchange	Jane Doe 544	174.23.176.32	54636	www.sexinsex.net@Young.Harlots .Foreign.Exchange	cd1.avi, cd2.avi	10/10/2010 10:10:54 PM
Young Harlots Foreign Exchange	Jane Doe 553	174.25.118.199	16481	www.sexinsex.net@Young.Harlots .Foreign.Exchange	cd1.avi, cd2.avi	10/8/2010 5:17:25 AM
Young Harlots Foreign Exchange	Jane Doe 552	174.26.63.151	45651	www.sexinsex.net@Young.Harlots .Foreign.Exchange	cd1.avi, cd2.avi	11/16/2010 7:04:50 AM
Young Harlots Foreign Exchange	Jane Doe 551	174.27.220.102	50763	www.sexinsex.net@Young.Harlots .Foreign.Exchange	cd1.avi, cd2.avi	11/14/2010 7:50:13 AM
Young Harlots Foreign Exchange	Jane Doe 550	174.31.243.151	14293	www.sexinsex.net@Young.Harlots .Foreign.Exchange	cd1.avi, cd2.avi	10/15/2010 8:29:13 PM
Hot for Teachers	Jane Doe 172	184.97.161.75	45806	Hot.For.Teachers	starlets-hotteach.avi	12/8/2010 8:55:00 AM
Young Harlots Foreign Exchange	Jane Doe 433	63.226.207.25	43722	www.sexinsex.net@Young.Harlots .Foreign.Exchange	cd1.avi, cd2.avi	10/21/2010 7:06:46 PM
Kings of New York	Jane Doe 3	63.232.113.196	56500	stoneworks [Lucas] KINGS OF NEW YORK.avi	stoneworks [Lucas] KINGS OF NEW YORK.avi	8/6/2010 6:36:00 AM
Young Harlots Foreign Exchange	Jane Doe 432	63.238.223.166	52973	www.sexinsex.net@Young.Harlots .Foreign.Exchange	cd1.avi, cd2.avi	9/22/2010 11:16:54 PM

Kings of New York	Jane Doe 4	65.100.59.143	24967	stonewerks [Lucas] KINGS OF NEW YORK.avi	stonewerks [Lucas] KINGS OF NEW YORK.avi	8/6/2010 6:36:00 AM
Hot for Teachers	Jane Doe 231	65.103.9.27	20821	Hot.For.Teachers	starlets-hotteach.avi	12/12/2010 9:01:00 PM
Hot for Teachers	Jane Doe 240	67.2.107.44	56812	Hot.For.Teachers	starlets-hotteach.avi	12/4/2010 7:44:00 PM
Hot for Teachers	Jane Doe 239	67.2.110.74	56812	Hot.For.Teachers	starlets-hotteach.avi	12/4/2010 10:03:00 PM
Young Harlots Foreign Exchange	Jane Doe 727	67.41.79.45	57445	www.sexinsex.net@Young.Harlots .Foreign.Exchange	cd1.avi, cd2.avi	9/9/2010 5:24:22 PM
Young Harlots Foreign Exchange	Jane Doe 94	71.208.103.230	49605	www.sexinsex.net@Young.Harlots .Foreign.Exchange	cd1.avi, cd2.avi	10/21/2010 8:48:54 PM
Hot for Teachers	Jane Doe 37	71.212.187.52	54647	Hot.For.Teachers	starlets-hotteach.avi	12/4/2010 8:28:00 PM
Young Harlots Foreign Exchange	Jane Doe 163	71.34.85.36	44819	www.sexinsex.net@Young.Harlots .Foreign.Exchange	cd1.avi, cd2.avi	11/16/2010 8:20:29 PM
Hot for Teachers	Jane Doe 46	71.35.54.141	15398	Hot.For.Teachers	starlets-hotteach.avi	12/12/2010 4:54:00 AM
Young Harlots Foreign Exchange	Jane Doe 76	75.172.62.158	58216	www.sexinsex.net@Young.Harlots .Foreign.Exchange	cd1.avi, cd2.avi	10/12/2010 5:51:10 PM
Young Harlots Foreign Exchange	Jane Doe 75	75.175.99.160	18633	www.sexinsex.net@Young.Harlots .Foreign.Exchange	cd1.avi, cd2.avi	10/3/2010 7:31:23 AM
Young Harlots Foreign Exchange	Jane Doe 231	97.113.12.128	47885	www.sexinsex.net@Young.Harlots .Foreign.Exchange	cd1.avi, cd2.avi	11/5/2010 7:30:46 PM
Young Harlots Foreign Exchange	Jane Doe 218	97.113.4.85	47885	www.sexinsex.net@Young.Harlots .Foreign.Exchange	cd1.avi, cd2.avi	11/7/2010 12:35:12 PM
Young Harlots Foreign Exchange	Jane Doe 217	97.115.21.39	34066	www.sexinsex.net@Young.Harlots .Foreign.Exchange	cd1.avi, cd2.avi	9/20/2010 9:34:32 PM
Young Harlots Foreign Exchange	Jane Doe 216	97.117.180.73	57410	www.sexinsex.net@Young.Harlots .Foreign.Exchange	cd1.avi, cd2.avi	9/28/2010 12:38:17 PM
Hot for Teachers	Jane Doe 110	97.117.30.166	31589	Hot.For.Teachers	starlets-hotteach.avi	12/8/2010 8:37:00 AM
Debbie Does Dallas	Jane Doe 32	97.118.47.167	23076	[Porn Classic] Debbie Does Dallas (Original Uncut Classic 1978).mpg	[Porn Classic] Debbie Does Dallas (Original Uncut Classic 1978).mpg	8/10/2010 2:01:00 AM
Young Harlots Foreign Exchange	Jane Doe 215	97.120.73.250	15829	www.sexinsex.net@Young.Harlots .Foreign.Exchange	cd1.avi, cd2.avi	11/4/2010 5:35:39 AM
Hot for Teachers	Jane Doe 94	97.121.129.215	38204	Hot.For.Teachers	starlets-hotteach.avi	12/12/2010 4:34:00 AM
Hot for Teachers	Jane Doe 93	97.121.170.227	30224	Hot.For.Teachers	starlets-hotteach.avi	12/8/2010 9:26:00 AM
Young Harlots Foreign Exchange	Jane Doe 214	97.124.81.134	6881	www.sexinsex.net@Young.Harlots .Foreign.Exchange	cd1.avi, cd2.avi	9/15/2010 7:19:48 AM

DECLARATION PURSUANT TO 17 U.S.C. § 512(h)

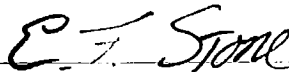
I, Evan F. Stone, the undersigned, declare that:

1. I am an attorney authorized to act on behalf of the copyright holders involved in these matters, including Harmony Films, Lucas Entertainment, VCX Ltd. and Harmony Films. This declaration is made in support of the accompanying Subpoena, pursuant to 17 U.S.C. § 512(h)(2)(C).

2. The purpose of the accompanying Subpoena is to obtain the identities of the alleged copyright infringers to which the IP addresses were assigned on the dates and times in the accompanying list. The information obtained will be used only for the purpose of protecting the rights granted to the copyright holders under Title 17 of the United States Code.

3. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed in Denton, Texas, on Wednesday, March 02, 2011.

s/ 

Evan Stone

State Bar No. 24072371

624 W. University Dr., #386

Denton, Texas 76201

469-248-5238



THE LAW OFFICES OF EVAN STONE

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March 2, 2011

RE: Notice of Copyright Infringement

In compliance with relevant federal copyright law, I submit the following:

I hereby certify, under penalty of perjury, that the following information is accurate to the best of my knowledge and belief.

I am an attorney authorized to represent the following copyright holders with respect to the matters discussed herein: Lucas Entertainment, VCX Ltd., Harmony Films and Adult Source Media.

The aforementioned copyright holders own or control various exclusive copyrights and trademarks related to the motion pictures in the accompanying list (the "Works.")

Through a series of investigations, we have a good faith belief that subscribers for which you provide service are using your service for the unauthorized copying and distribution of digital files embodying the copyrighted Works. The use of the Works in this manner is NOT authorized by these copyright holders and is a violation of their intellectual property rights, including their rights under the Copyright Act. Infringing materials, along with the location of the infringing materials and timestamps at which the infringements were witnessed are also included in the accompanying list.

I request that you expeditiously block the ports upon which the infringing activity is occurring and likely continues to occur, or otherwise cause such infringing activity to cease and/or suspend the account(s) of the aforementioned users until they agree to cease unlawfully distributing our content.

If you should require any further information please do not hesitate to contact me by email at evan@wolfe-stone.com My mailing address and other contact information are included in my signature below. Please contact me immediately if you feel that this notification is not in compliance with the requirements of the DMCA, or if some other problem arises with respect to my request.

s/ E. F. Stone

Evan Stone

State Bar No. 24072371

624 W. University Dr., #386

Denton, Texas 76201

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